

Applicants : Tony M. Pokorzynski et al.
Appln. No. : 09/074,288
Page : 3

REMARKS

Claims 1 and 6 have been amended. Claims 1-4 and 6-10 are pending in the application.

A marked-up version of the amended claims showing the changes from the previous version of the claims is attached hereto with additions underlined and deletions bracketed.

It is respectfully submitted that entry of the above amendments is appropriate and desirable, as the amendments properly refer to a trim member rather than a trim piece, thus overcoming a lack of antecedent basis for "trim piece."

Rejection Based On Rohrlach et al. (U.S. Patent No. 5,082,609)

Claims 1-4 and 6-10 have been rejected under 35 U.S.C. §102(b) as being anticipated by Rohrlach et al. The Examiner has stated that Rohrlach teaches a trim member having a rigid substrate, a finished face and a polyurethane layer. However, the Examiner has not alleged that the reference teaches a porous substrate, an upholstery skin coextensive with a porous substrate, or a foam extending between the upholstery skin and the porous substrate, wherein the porous substrate is held on the backside of the trim member. The fact that the Rohrlach et al. patent discloses a substrate made of a porous material, namely filament glass reinforcement, that is completely embodied within a thermoset resin does not constitute a teaching or suggestion for a trim member having a porous substrate. Further, Applicants' claims do not merely require a fiber reinforcement or a porous material, but instead require that the porous substrate is located on the backside of the trim piece. The reinforcing fibers in the panels described by the Rohrlach et al. patent are not on the backside of the panel, but are instead contained within a thermoset resin. Applicants respectfully submit that a porous substrate on the backside of a trim member is clearly distinguishable from a filament glass reinforcement completely embodied within a thermoset substrate. Lastly, thermoset materials are inherently nonporous and therefore cannot constitute a porous substrate.

The Examiner has argued that Applicants' claims do not distinguish from the teachings of the Rohrlach et al. patent because Applicants' claims do not require that the pores of the substrate remain open. It is believed that the Examiner is taking the position that the porous

Applicants : Tony M. Pokorzynski et al.
Appln. No. : 09/074,288
Page : 4

substrate of Applicants' trim member is inherently or necessarily embodied within the foam material extending between the upholstery skin and the porous substrate. In response, Applicants respectfully submit that the claims require that the porous substrate "is held to a backside of the trim member that is opposite of the upholstery skim material," not that the porous substrate is embodied within the foam material or within a thermoset resin material, as taught by the Rohrlach et al. patent. The porous substrate cannot be both embodied within a nonporous material as taught by the Rohrlach et al. patent, and constitute a porous substrate on the backside of the trim member as required by the claims. Rohrlachs' fiber reinforced thermoset material is not a porous substrate, and the fiber reinforcing material is not located on the backside of the trim member, with a foam material extending from the fibrous material to an upholstery skin material.

Even if the claim requirement that the porous substrate is held to a backside of the trim member is completely ignored (which is apparently what the Examiner had decided to do), the foam layer of Rohrlach does not penetrate the filament glass material of Rohrlach et al., as the filament glass material of Rohrlach et al. is completely embodied within a thermoset resin material (i.e., a non-porous, non-foam material).

The rejection disregards claim limitations (e.g., "said porous substrate is held to a backside of the trim piece that is opposite of the upholstery skin material"), and misinterprets the prior art (e.g., asserting that the non-porous glass filament reinforced thermoset resin substrate of the Rohrlach et al. patent constitutes a porous substrate). It is respectfully submitted that when all claim limitations are considered and the teachings of the Rohrlach et al. patent are properly interpreted, it is evident that the claimed interior trim member is patentable over the teachings of the Rohrlach et al. patent.

Rejections Based On Takeuchi Et Al.

Claims 1-4 and 6-10 have been rejected under 35 U.S.C. §102(b) as being anticipated by Takeuchi et al.

This rejection is inappropriate. The Takeuchi et al. patent does not teach or suggest an integrated interior trim member having a porous substrate, an upholstery skin material, and a molded foam material extending between the upholstery skin and the substrate, wherein the

Applicants : Tony M. Pokorzynski et al.
Appln. No. : 09/074,288
Page : 5

"porous substrate is held to a backside of the trim member that is opposite of the upholstery skin material," and wherein the upholstery skin material is "substantially coextensive with said substrate." The porous sheet material 9 and the upholstery skin material are not coextensive as required. Anticipation requires that each and every element of the claim must be identically taught in the prior art reference. Because the Takeuchi et al. patent does not teach that porous sheet material 9 and upholstery skin material 5 are coextensive, the Takeuchi et al. patent does not anticipate the claims. The Examiner has admitted that "Takeuchi et al. do not disclose a trim piece where the porous sheet material 9 is 'substantially coextensive' with the upholstery skin material." This admission is inconsistent with a rejection under 35 U.S.C. §102.

Accordingly, this rejection is clearly erroneous.

Claims 1-4 and 6-10 have also been rejected under 35 U.S.C. §103(a) as being unpatentable over Takeuchi et al. The Examiner has stated that Takeuchi et al. teach that a porous sheet material 9 is placed in convex areas of a trim piece to prevent fibrous material 1 from pulling away from the convex portions of a panel when the mold is closed. The Examiner stated that Takeuchi et al. "do not disclose a trim piece wherein the porous sheet material 9 is 'substantially coextensive' with the upholstery skin material." Nevertheless, the Examiner has taken the position that it would have been obvious at the time the invention was made to form a convex shaped trim piece wherein the porous sheet was substantially coextensive with the face material in order to prevent fibrous material from pulling away from the trim piece as taught by Takeuchi et al.

Applicants submit that this rejection is inappropriate because it is based on speculation, not prior art. The Takeuchi et al. patent does not teach or suggest that porous sheet material 9 is or should be coextensive with an upholstery skin material. To the contrary, the Takeuchi et al. patent teaches that porous sheet material 9 is positioned only at areas of an interior finishing panel that are convex on the facing side of the panel. This teaching necessarily infers that porous sheet material 9 is not necessary or desirable at flat or concave areas of the interior finishing panel. It is improper to conclude that one having ordinary skill in the art would find it obvious to make porous sheet material 9 of the Takeuchi et al. coextensive with facing material 5 when the reference expressly teaches that porous sheet material 9 is used only in

Applicants : Tony M. Pokorzynski et al.
Appln. No. : 09/074,288
Page : 6

convex sections to prevent lifting of fiber reinforcement 1 away from facing 5 when a mold is closed.

The Examiner has taken the untenable position that it would be obvious to have porous sheet material 9 coextensive with facing 5 if the interior finishing panel were entirely convex. The Examiner has not provided any prior art reference showing the desirability or existence of an interior finishing panel that is entirely convex. In fact, the Takeuchi et al. patent itself suggests that convex sections on the facing side of the interior finishing panel may be exceptional by stating (at column 1, lines 25-30) that "if there is a convex section on a surface of the panel, the fiber reinforcing material set in a mold will get caught between an upper mold element (upper die) and a lower mold element (lower die) of the mold during a molding process and then lift at the backside of the convex section." This further suggests that the lifting problem may only exist for an interior-finishing panel having both convex sections and non-convex sections.

The rejection is based on speculation as to whether those having ordinary skill in the art would be motivated to make an interior finishing panel having only convex surfaces on the facing side, and on speculation as to whether those having ordinary skill in the art would perceive that such hypothetical all-convex panels would exhibit the lifting problems described at column 1, lines 25-30 of the Takeuchi et al. patent. Such speculation is not a proper basis for a rejection under 35 U.S.C. §103. The Examiner's conclusory and speculative statements do not adequately address the issue of motivation to combine. The factual inquiry whether to combine references must be based on objective evidence of record, and cannot be resolved based on subjective belief and unspecified authority. Speculation is not an adequate substitute for prior art. See *In re Lee*, 277 F.3d 1338, 61 USPQ2d 1440 (Fed. Cir. 2002).

Based on the absence of any evidence suggesting that an all-convex interior finishing panel is desirable, and the absence of any evidence suggesting that the lifting problem described in the Takeuchi et al. patent would be expected to exist for an all-convex panel, it is respectfully submitted that the rejection does not establish motivation based on the prior art. Accordingly, the rejection should be withdrawn.

Applicants : Tony M. Pokorzynski et al.
Appln. No. : 09/074,288
Page : 7

CONCLUSION

In view of the above amendments and remarks, it is respectfully submitted that the application is in condition for allowance and notice of the same is earnestly solicited.

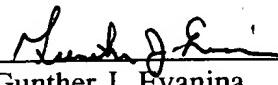
Respectfully submitted,

TONY M. POKORZYNISKI ET AL.

By: Price, Heneveld, Cooper,
DeWitt & Litton

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Date



Gunther J. Evanina
Registration No. 35 502
695 Kenmoor, S.E.
Post Office Box 2567
Grand Rapids, Michigan 49501
(616) 949-9610

GJE/daw

Applicants : Tony M. Pokorzynski et al.
Appln. No. : 09/074,288
Page : 8

VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Claims:

Claims 1 and 6 have been amended as follows:

1. (Fifth Amend) An integrated interior trim member for a vehicle comprising:
 - a porous substrate;
 - an upholstery skin material, said upholstery skin material being substantially coextensive with said substrate; and
 - a molded foam material extending between said upholstery skin material and said substrate, said molded foam material bonding said skin material to said porous substrate, whereby said porous substrate is held to a backside of the trim [piece] member that is opposite of the upholstery skin material.

6. (Fifth Amend) An integral interior trim member for a vehicle comprising:
 - an upholstery skin material, said upholstery skin material being substantially coextensive with said substrate;
 - a molded foam layer bonded to said upholstery skin material; and
 - a porous substrate bonded to said molded foam layer, said molded foam layer extending between said upholstery skin material and said porous substrate, whereby said porous substrate is held to a side of the trim [piece] member that is opposite of the upholstery skin material.